

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

GLORIA BECKER, as Personal Rep.
of the Estate of Kenneth Becker,

Plaintiff,

v.

ROTARY AIR FORCE MANAGEMENT, INC.,
a/k/a/ **Rotary Air Force Marketing, Inc.,**
a foreign corporation,

Defendant.

CASE NO: 06-CV-13432

DISTRICT JUDGE THOMAS L. LUDINGTON
MAGISTRATE JUDGE CHARLES E. BINDER

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

I. RECOMMENDATION

For the reasons set forth below, **IT IS RECOMMENDED** that a default judgment enter against the Defendant on all issues of liability, and that the case proceed to the determination of damages.

II. REPORT

On September 21, 2007, the Court issued an Order granting a Motion to Withdraw filed by the counsel then representing the Defendant. (Dkt. at 41.) In that Order, I noted that since Defendant was a corporation, it could not represent itself but must instead be represented by counsel. As a result, proceedings were stayed for 45 days to allow Defendant to obtain new counsel.

In addition, Defendant was warned that failure to obtain counsel within this period would result in the issuance of a recommendation that a default judgment on all issues of liability be entered against them.

At the close of this period, an order was issued lifting the stay. (Dkt. at 42.) The docket has since been reviewed, which indicates that the Defendant has failed to obtain counsel.¹ Accordingly, it is now appropriate to issue a default judgment against the Defendant on all issues of liability, and that the case proceed to the determination of damages.

III. REVIEW

The parties to this action may object to and seek review of this Report and Recommendation within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed.2d 435 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

s/ Charles E. Binder

CHARLES E. BINDER
United States Magistrate Judge

Dated: November 19, 2007

¹Plaintiff has filed a Request for Clerk's Entry of Default against the Defendant (Dkt. 43), which would be moot if this Report and Recommendation is adopted.

CERTIFICATION

I hereby certify that this Notice was electronically filed this date, electronically served on Timothy Currier, served on Rotary Air Force Marketing by first class mail at Box 1236, 1107 Ninth St. West, Kindersley, Saskatchewan S0L 1S0, Canada; and served on District Judge Ludington in the traditional manner.

Date: November 19, 2007

By s/Jean L. Broucek
Case Manager to Magistrate Judge Binder